

**COMMON INTEREST COMMUNITY BOARD  
MANAGER REGULATORY REVIEW COMMITTEE MEETING**

**MINUTES OF MEETING**

The Manager Regulatory Review Committee of the Common Interest Community Board met on Thursday, January 14, 2010, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Richmond, Virginia 23233.

The following members were present:

Ronda S. DeSplinter, Chair  
Kimberly B. Kacani  
Marshall Bowden  
Kenneth E. Chadwick  
Christiaan P. Melson  
Edward J. O'Connell, III  
Paul L. Orlando  
John A. Rhodes  
Walter I. Sasser  
Charles Simpson  
Lucia Anna Trigiani (Ex-Officio)

DPOR staff present for all or part of the meeting included:

Jay W. DeBoer, Director  
Mark N. Courtney, Deputy Director of LRD  
Trisha L. Henshaw, Executive Director  
Heather Gillespie, Ombudsman  
Thomas K. Perry, Property Registration Administrator  
Betty C. Jones, Administrative Assistant

Steven Jack from the Office of the Attorney General was present.

Ms. DeSplinter, Chair, called the meeting to order at 9:37 a.m. Ms. DeSplinter welcomed everyone and introduced the Committee members and the staff.

**Call to Order  
and Introduction of  
Committee  
Members**

Mr. Orlando moved to approve the agenda. Mr. Simpson seconded the motion which was unanimously approved by: Bowden, Chadwick, DeSplinter, Kacani, Melson, O'Connell, Orlando, Rhodes, Sasser, Simpson, and Trigiani.

**Approval of Agenda**

Ms. DeSplinter opened the floor for public comment. No members of

**Public Comment**

the public present requested to speak.

**Period**

Mr. DeBoer discussed the effect a change in administration would have on the regulatory process and the status of the Board's regulations. The new administration will carefully review regulations currently under executive review before the regulations can proceed through the regulatory review process.

**Overview**

Ms. Henshaw informed the Board that an extension of the emergency Manager Regulations was granted through May 12, 2010. The final Manager Regulations were approved by the Governor, will be published in the Virginia Register on February 1, 2010, and will take effect on April 1, 2010.

Ms. DeSplinter discussed the parameters of the Committee's work on the common interest community manager employee certification standards. Ms. Henshaw provided an overview of the purpose of this Committee, gave an update on the regulatory review processes, and provided a brief overview of the statutes requiring the Board to develop regulations for the certification of individuals who are in a supervisory or principal responsibility role for a common interest community manager.

**Review Purpose of  
Committee and  
Discuss Timeline**

The Committee needs to begin developing regulations for Board approval in order to solicit public comment and proceed through the regulatory review process. The regulations will focus on certification criteria, certification maintenance, and standards of conduct. The end result of these regulations will become part of the existing common interest community manager regulations by adding in provisions related to the certification process. The Committee will be looking at topics to be included in the regulations and staff will prepare a draft to begin reviewing at the next meeting. Once this Committee drafts the employee certification provisions, the Board will review the text to make any needed changes, additions, or deletions prior to adoption as proposed.

Ms. Henshaw provided a time-line for preparing the draft manager regulations to develop provisions related to individual certification. The time-line establishes a time frame for the Committee in which objectives must be accomplished. The Committee's work will culminate with the presentation of the draft text to the Board at its June 3, 2010, meeting.

Mr. Courtney gave an overview of Executive Order 36 which has been replaced with Executive Order 107. The latter executive order was

**Review Executive  
Order #36**

adopted by Governor Kaine and is substantially the same and has minimal impact on the existing regulatory review process.

Mr. Courtney provided an overview of the regulatory review process including specific information that must be provided to other state agencies as well as the public during the regulatory review process. Mr. Courtney also provided a short summary of what should and should not be done when drafting regulations. In addition, the difference between regulation and statute was discussed.

**Overview of  
Regulatory Review  
Process**

Ms. Henshaw reviewed pertinent sections of Chapter 23.3 of Title 54.1 of the Code of Virginia. These sections pertain to the Board's authority to develop regulations as well as specific requirements related to the certification of employees.

**Review of  
Applicable Laws  
and Regulations/  
§54.1-2346 and  
§54.1-2349 of the  
Code of Virginia**

The Committee recessed at 10:54 a.m. and reconvened at 11:10 a.m.

**Break**

Ms. Henshaw provided an overview of the final Common Interest Community Manager Regulations as approved by the Board on October 26, 2009, which are undergoing executive branch review. The final regulations provide the foundation for the draft text to be developed by the Committee. In addition to the development of new regulations, the existing regulations must be reviewed and amended to ensure consistency with statutes and requirements for employee certification.

**Final CIC Manager  
Regulations**

Ms. Henshaw provided a general outline of suggested topics that may be addressed in the Common Interest Community Manager Regulations. The Committee will need to decide areas that should be more specific and the structure of the regulations. Some areas of concern are: defining supervisor and supervisor responsibility, identifying specific individuals needing certification, establishing requirements for an education based certification program, and developing standards of conduct and practice specific to individuals.

**Discussion of Topics  
to be Addressed in  
Common Interest  
Community  
Manager  
Regulations**

The Committee recessed for lunch from 12:19 p.m. to 12:53 p.m.

**Lunch**

The Committee continued its discussion of topics that need to be addressed in the Common Interest Community Manager Regulations. Staff will review regulations, laws, and criteria from other sources with similar requirements and prepare a draft of the Common Interest Community Manager Regulations adding employee certification provisions in accordance with the Committee's comments for the next

**Discussion of  
Topics to be  
Addressed in  
Common Interest  
Community  
Manager**

Committee meeting.

**Regulations**

After discussion, the Committee approved the following meeting dates by consensus: February 25, 2010, March 29, 2010, and May 6, 2010. The Committee also agreed to have all the Committee meetings begin at 9:30 a.m.

**Other Business/  
Set Next  
Meeting Date(s)**

The Board members serving on the Committee were reminded to complete their conflict of interest forms and travel vouchers. Ms. Henshaw reminded the Committee members to return the Electronic Data Interchange (EDI) form and the Request for Taxpayer Identification Number and Certification W-9 form.

**Conflict of Interest  
and Travel Voucher  
Forms**

There being no further business, the meeting was adjourned at 2:44 p.m.

**Adjourn**

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Lucia Anna Trigiani, Chair

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Jay W. DeBoer, Secretary